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myers lazrus technology law group

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Federal Communications Commission
Office of Secretary

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James J. Keller
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December 5, 2001

VIA COURIER

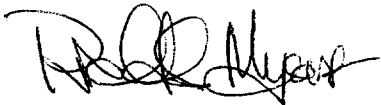
Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Gulf of Mexico Cellular Rule Making
WT Docket No. 97-112; CC Docket No. 90-6

Dear Ms. Salas:

On December 5, 2001, on behalf of Petroleum Communications, Inc., Richard S. Myers and Jay N. Lazrus of the law firm Myers Lazrus Technology Law Group made an oral ex parte presentation in the referenced proceeding to Mr. Roger Noel, Deputy Chief of the Commercial Wireless Division, Wireless Telecommunications Bureau. The presentation is summarized in a handout that was distributed at the meeting, a copy of which is enclosed.

Sincerely,



Richard S. Myers

Enclosure

cc (w/o encl): Roger Noel

Petroleum Communications, Inc.
Ex Parte Presentation: Gulf Cellular Rule Making
December 5, 2001

The Commission should adopt an equal 32 dbu signal strength rule:

- The *raison d'être* for the “Gulf formula” rule no longer exists if a Gulf Carrier’s CGSA is not defined by service area boundary contours.
- Instead, the focus should be on subscriber capture across the coastline boundary. Alternative propagation studies show that land carriers 32 dbu contours actually extend miles into the Gulf. See Exhibit 1 to PetroCom’s Janaury 22, 1998 ex parte filing (excerpts from alternative propagation studies). Galveston measurement data shows land carriers capturing Gulf carrier traffic, not vice versa. *Id.* at Exhibit 2 (“Dennis Study”). The factual record thus does not support Alltel’s “terrain blockage” argument for giving land carriers a stronger signal strength.
- US Cellular supports an equal 32 dbu signal strength rule. Alltel once supported it, too. See Alltel’s February 27, 2001 ex parte filing at page 15. Alltel does not provide a good reason for abandoning that view.
- The status quo rule gives Gulf carriers a 39 dbu signal strength. Equalizing it to 32 dbu with grandfathering is fair to each side, reducing the likelihood of cross-boundary subscriber capture and disputes.
- An equal 32 dbu signal strength rule best complies with the court remand and the Regulatory Flexibility Act.

US CELLULAR CORP

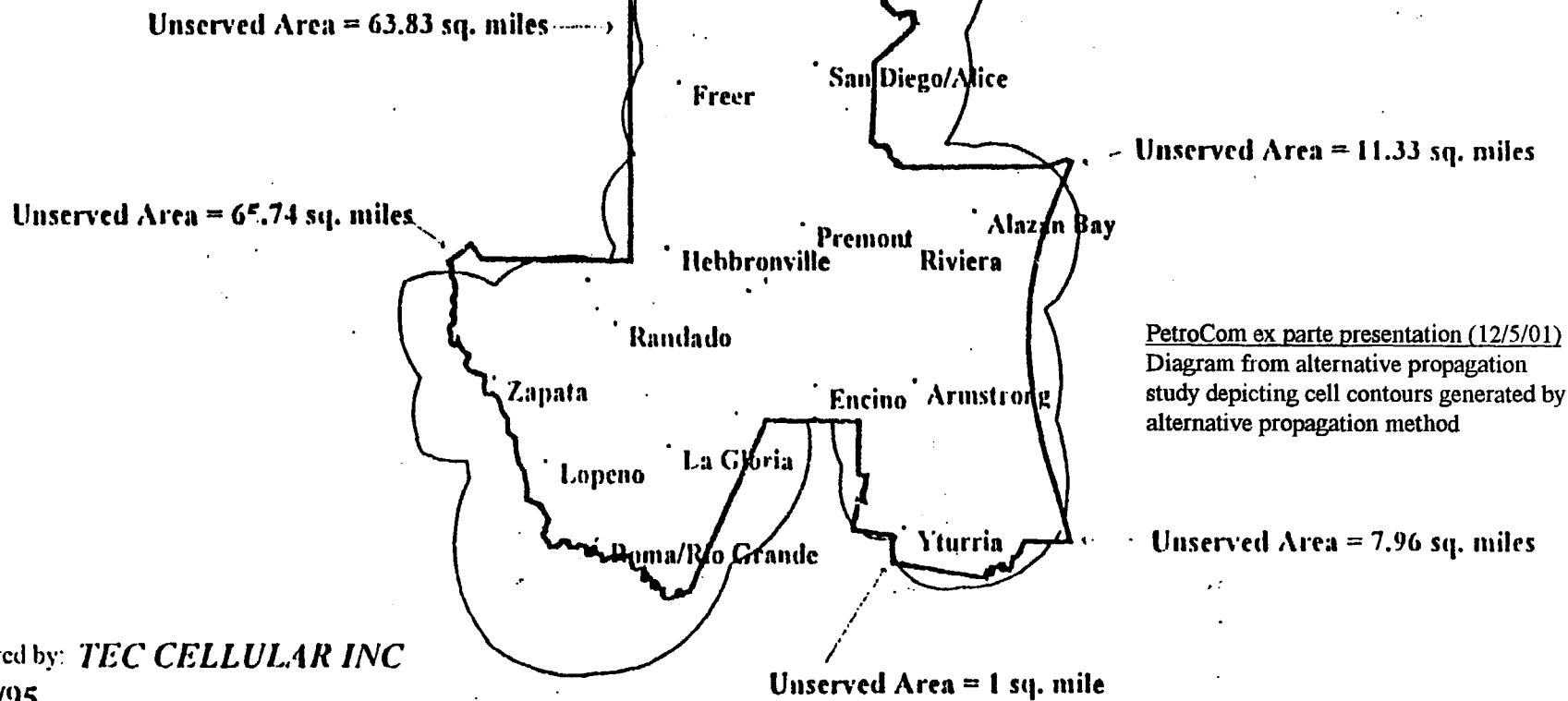
TX RSA 19

Alternative Propagation Study

TX RSA 19 = 14010 sq. miles

Total Proposed CGSA within

TX RSA 19 Boundary = 13860.1 sq. miles



PetroCom ex parte presentation (12/5/01)
Diagram from alternative propagation
study depicting cell contours generated by
alternative propagation method

Prepared by: **TEC CELLULAR INC**
3/14/95

US CELLULAR CORP

TX RSA 19

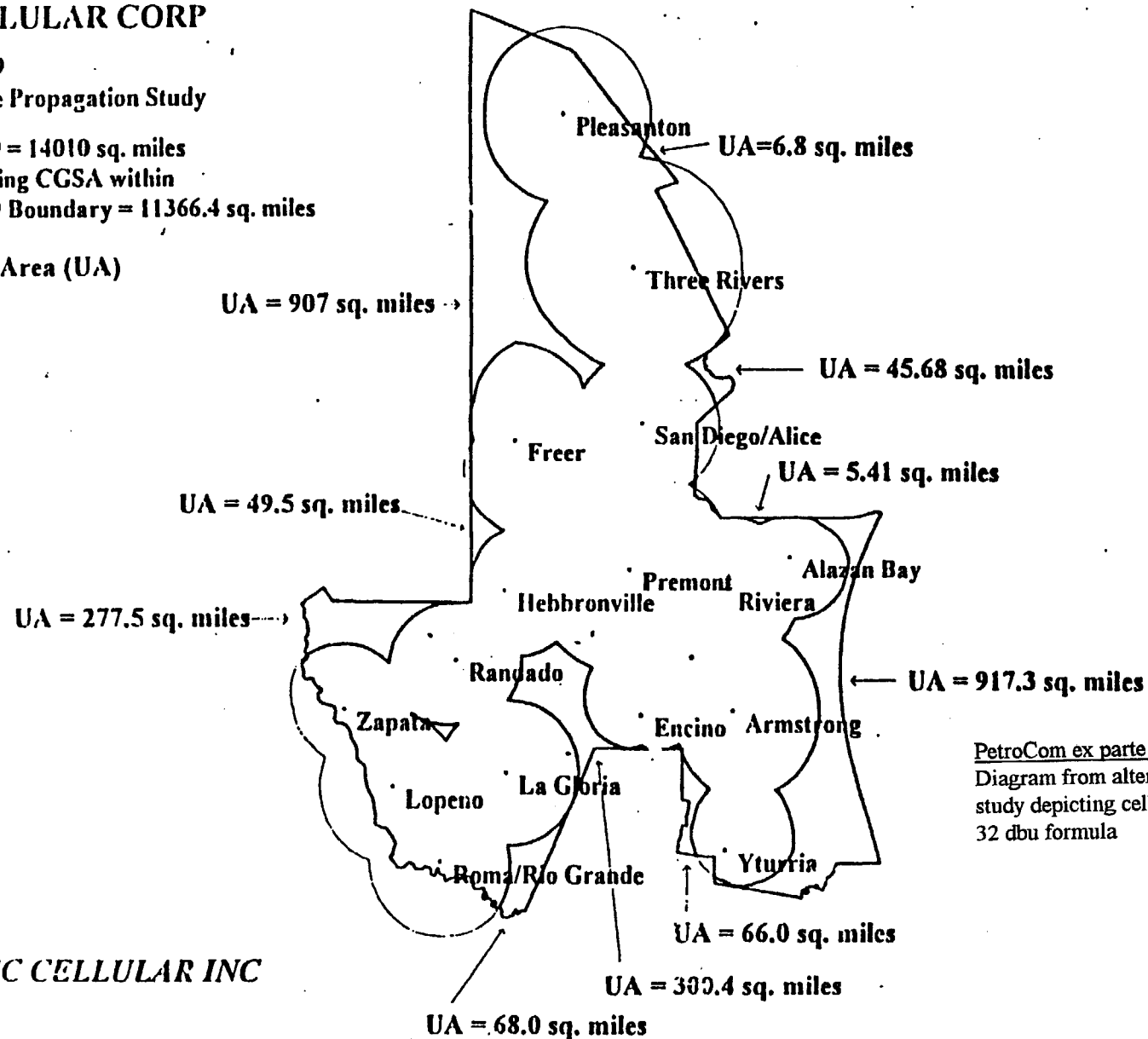
Alternative Propagation Study

TX RSA 19 = 14010 sq. miles

Total Existing CGSA within

TX RSA 19 Boundary = 11366.4 sq. miles

Unserved Area (UA)



PetroCom ex parte presentation (12/5/01)
Diagram from alternative propagation
study depicting cell contours generated by
32 dbu formula

Prepared by: **TEC CELLULAR INC**
3/14/95

PetroCom's Proposed Rule Revision

NOTE: ASTERISKS (*) INDICATE UNCHANGED PORTIONS OF CURRENT RULES, WITH DELETED PORTIONS LINED-OUT AND NEW TEXT IN BOLD.

22.911 Cellular Geographic Service Area

(a) ***

(1) *** [Eliminate the following from (a)(1): paragraphs ~~(1)~~(2)].

(2) Notwithstanding the provisions of § 22.911(a), the authorized CGSAs of the cellular systems licensed to serve the Gulf of Mexico Service Area ("GMSA") are those which were authorized prior to January 11, 1993, except that the CGSA boundary for the GMSA adjacent to the State of Florida is defined by the following coordinates (located 10 statute miles seaward from the coastline) [insert]:

and the CGSA boundary for the GMSA adjacent to the States of Texas, Louisiana, Mississippi and Alabama is the coastline, defined by the following coordinates [insert]:

The SAB contours of GMSA licensees shall be calculated using the provisions of § 22.911(a) but shall not define their CGSAs. For the cellular systems authorized to serve the Gulf of Mexico MSA, the distance from a cell transmitting antenna to its SAB along each cardinal radial is calculated as follows:

$$d = 6.895 \times h^{0.30} \times p^{0.13}$$

where:

d is the radial distance in kilometers

h is the radial antenna HAAT in meters

p is the radial ERP in Watts

(3) The value used for h in the formula in paragraph (a)(2) of this section must not be less than 8 meters (26 feet) HASL (or HAMSL, as appropriate for the support structure). The value used for h in the formula in paragraph (a)(1) of this section must not be less than 30 meters (98 feet) HAAT, except that for unserved area applications proposing a cell with an ERP not exceeding 10 Watts, the value for h used in the formula in paragraph (a)(1) of this section to determine the service area boundary for that cell may be less than 30 meters (98 feet) HAAT, but not less than 3 meters (10 feet) HAAT.

(4) The value used for p in the formulas in paragraphs (a)(1) and ~~(a)(2)~~ of this section must not be less than 0.1 Watt or 27 dB less than (1/500 of) the maximum ERP in any direction, whichever is more.
